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September 11, 2018

**Via ECF**

Honorable Renee H. Toliver  
United States Magistrate Judge  
Earle Cabell Federal Building  
1100 Commerce Street, Courtroom 1620  
Dallas, Texas 75242

**RE: *Flick v. Caufield et al.*—Case No. 3:18-cv-01734-K—In the United States  
District Court for the Northern District of Texas, Dallas Division  
Joint Report on Status of the Case**

Dear Judge Toliver:

Further to the Court's order of August 21, 2018, please treat this agreed letter as the Joint Report.

Defendants filed answers in this matter on August 2, 2018. Mr. Caufield appears *pro se*; Essential Financial Education, Inc. and The Tuition Funding Source, LLC filed answers, but did not appear through counsel.

On August 6, 2018, the Court ordered that the Corporate Entities were to retain counsel and notify the court. That deadline passed on or around September 6, 2018: counsel was not appointed, and Plaintiff may therefore currently seek default judgment against the Corporate Entities.

Under Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff's counsel and Defendant Caufield conferred on August 7, 2018 for the purpose of agreeing on a proposed plan for the completion of discovery. The main obstacle to disclosure was the necessity of a protective order—the absence of such an order was also preventing the disclosure of documents from third parties. With the entry of the protective order by the Court on September 4, 2018, the Plaintiff has now begun to receive documents under its subpoenas. The parties have also now agreed for initial disclosures, and Mr. Caufield has agreed to be deposed at Plaintiff's counsels' offices this Thursday, September 13, 2018.

With regard to any proposed preliminary injunction hearing, the parties are currently

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exploring the possibility of settlement. Plaintiff would ask that there be a further continuance of its motion for 28 days. If the parties are able to settle the matter, provision shall be made in any agreement for disposal of the motion.

I hope that the above is clear and helpful. Should you wish to discuss any aspect of this matter, or if you require further information or clarification, please do not hesitate to contact me.

Respectfully submitted,

**GLAST, PHILLIPS & MURRAY, P.C.**



M.E. FURSE, P.C.

FOR THE FIRM

AGREED:



THOMAS J. CAUFIELD